



Washington, D. C. 20505

Executive Registry

77-9477

15 NOV 1977

Honorable James T. McIntyre, Acting Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. McIntyre:

This submits proposed legislation in accordance with Office of Management and Budget Circular No. A-19, revised. Enclosed are six copies of a draft bill, "To authorize personnel of the Central Intelligence Agency to carry firearms under certain circumstances." Also enclosed are copies of a sectional analysis, a comparison with existing law, cost analysis, and drafts of the letters of transmittal to the President of the Senate and the Speaker of the House of Representatives.

In furtherance of the Central Intelligence Agency's foreign intelligence mission and in aid of the Director of Central Intelligence's statutory duty to protect intelligence sources and methods, the Agency's Office of Security is responsible for insuring proper security of Agency facilities, personnel and information. The Agency now faces a problem concerning delineation of the circumstances under which its security officers may carry firearms within the United States in performing these protective functions, which frequently involve the need to maintain the confidentiality of Agency involvement.

Section 5(d) of the Central Intelligence Agency Act of 1949, as amended, provides only that Agency "couriers and guards" are authorized to carry firearms "when engaged in transportation of confidential documents and materials." We believe there are other circumstances where it may be necessary for security officers to carry firearms if intelligence information, personnel and facilities are to be adequately protected.

The draft bill would permit the Director of Central Intelligence to authorize qualified Agency personnel to carry firearms in the United States only for four purposes. First, the Director may authorize personnel to carry firearms when safeguarding confidential documents or materials. This essentially corresponds with existing law, although the draft allows for the protection of documents and materials which are not in the process of being transported. Second, personnel may be authorized to carry firearms for the protection of Agency facilities, properties, monies and other valuable assets. This may be necessary, for example, to guard against the physical penetration of a sensitive covert facility within the United States. Such authority also may be necessary to protect large amounts of cash intended for confidential operational purposes which therefore must be transported within the United States under secure cover procedures.

(EXECUTIVE SECRETARY)

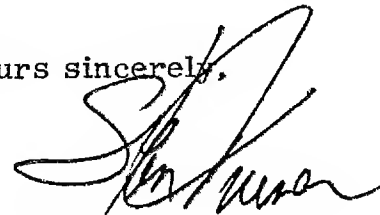
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Third, Agency personnel may be authorized to carry firearms to protect Agency personnel, who are exposed to the risks of extortion, abduction or even assassination. Finally, personnel may be authorized to carry firearms to protect defectors and foreign persons visiting the United States under Agency auspices. This may be necessary to prevent the assassination, terrorization, extortion, or abduction of defectors or sensitive foreign guests. The draft bill also permits the use of firearms for authorized training purposes.

There are, of course, many precedents for authorizing designated personnel in non-law enforcement agencies to carry firearms for protective purposes associated with agency functions. Under 22 U.S.C. 2666, for example, the Secretary of State may authorize security officers to carry firearms for protecting distinguished visitors to the United States, the Secretary of State, and other persons. There are examples of even broader statutory authorities. Under 10 U.S.C. 1585, the Secretary of Defense may authorize civilian officers and employees of the Department of Defense to carry firearms or other weapons, while assigned investigative or other duties the Secretary may prescribe. 42 U.S.C. 2456 authorizes the Administrator of the National Aeronautics and Space Administration to "direct such of the officers and employees of the Administration as he deems necessary in the public interest to carry firearms while in the conduct of their official duties." 42 U.S.C. 2201 provides that the Atomic Energy Commission "is authorized to authorize such of its members, officers, and employees as it deems necessary in the interest of the common defense and security to carry firearms while in the discharge of their official duties." The circumstances under which the draft bill would permit Central Intelligence Agency personnel to carry firearms are more narrowly defined than in some of these statutes.

Your advice is requested as to whether there is any objection to the submission of the proposed legislation to the Congress from the standpoint of the Administration's program.

Yours sincerely,



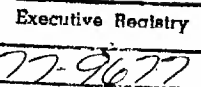
STANSFIELD TURNER

Enclosures

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Your advice is requested as to whether there is any objection to the submission of the proposed legislation to the Congress from the standpoint of the Administration's program.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosures

Distribution:

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OLC:RLB:sm (9 Nov 77)

A BILL

To authorize personnel of the Central Intelligence Agency to carry firearms under certain circumstances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That Section 5(d) of the Central Intelligence Agency Act of 1949, as amended, (50 U.S.C. 403f(d)) is amended to read as follows:

"(d) Authorize, under such regulations as the Director shall prescribe, Agency personnel, while in the discharge of their official duties, to carry firearms; Provided, however: That within the United States, such official duties shall include only the protection of (i) information concerning intelligence sources and methods and classified intelligence documents and material; (ii) facilities, properties, monies and other valuable assets owned or utilized by the Agency; (iii) the Director and other Agency personnel as may be designated by the Director; and (iv) defectors and foreign persons visiting the United States under Agency auspices; and Provided further, That such duties shall include the transportation and utilization of firearms for authorized training;"

SECTIONAL ANALYSIS AND EXPLANATION

The draft bill would amend Section 5(d) of the Central Intelligence Agency Act of 1949, as amended, in furtherance of the Agency's foreign intelligence mission, and in order further to implement the duty of the Director of Central Intelligence, under the National Security Act of 1947, to protect intelligence sources and methods from unauthorized disclosure. Section 5(d) now provides that Agency "couriers and guards" are authorized to carry firearms "when engaged in transportation of confidential documents and materials." The draft bill would authorize, under such regulations as the Director of Central Intelligence prescribed, Agency personnel to carry firearms within the United States under certain defined circumstances for the purpose of protecting intelligence information, personnel, facilities and operations. Agency personnel, designated by the Director of Central Intelligence and qualified for the use of firearms, would be authorized to carry firearms within the United States to protect (i) information concerning intelligence sources and methods and classified intelligence documents and material; (ii) facilities, properties, monies and other valuable assets owned or utilized by the Agency; (iii) the Director and other Agency personnel as may be designated by the Director; and (iv) defectors and foreign persons visiting the United States under Agency auspices. In addition, the bill would allow Agency personnel to transport and utilize firearms for authorized training.

CHANGES IN EXISTING LAW

Changes in existing law made by the draft bill are shown as follows: existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in brackets; and new matter is underscored.

CENTRAL INTELLIGENCE AGENCY ACT OF 1949, As Amended (50 U.S.C.A. 403a-j)

* * * * *

GENERAL AUTHORITIES

SEC. 5. In the performance of its functions, the Central Intelligence Agency is authorized to--

* * * * *

(d) Authorize [couriers and guards designated by the Director to carry firearms when engaged in transportation of confidential documents and materials affecting the national defense and security;] , under such regulations as the Director shall prescribe, Agency personnel, while in the discharge of their official duties, to carry firearms; Provided, however: That within the United States, such official duties shall include only the protection of (i) information concerning intelligence sources and methods and classified intelligence documents and material; (ii) facilities, properties, monies and other valuable assets owned or utilized by the Agency; (iii) the Director and other Agency personnel as may be designated by the Director; and (iv) defectors and foreign persons visiting the United States under Agency auspices; and Provided further, That such duties shall include the transportation and utilization of firearms for authorized training;



Washington, D. C. 20505

Honorable Walter F. Mondale
President of the Senate
Washington, D. C. 20510

Dear Mr. President:

This letter transmits for the consideration of the Congress a draft bill to amend the Central Intelligence Agency Act of 1949, as amended, "To authorize personnel of the Central Intelligence Agency to carry firearms under certain circumstances."

In furtherance of the Central Intelligence Agency's foreign intelligence mission and in aid of the Director of Central Intelligence's statutory duty to protect intelligence sources and methods, the Agency's Office of Security is responsible for insuring proper security of Agency facilities, personnel and information. The Agency now faces a problem concerning delineation of the circumstances under which its security officers may carry firearms within the United States in performing these protective functions, which frequently involve the need to maintain the confidentiality of Agency involvement.

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We would appreciate early and favorable consideration of the proposed bill. The Office of Management and Budget has advised that there is no objection to presenting the proposed bill to the Congress from the standpoint of the Administration's program.

Yours sincerely,

STANSFIELD TURNER

Enclosures



Washington, D.C. 20505

Honorable Thomas P. O'Neill
Speaker of the House of Representatives
Washington, D.C. 20515

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COST ANALYSIS

This legislation does not involve any measurable costs. No additional expenditures on firearms or on training are contemplated beyond existing levels.